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Attorneys for Defendant

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

ANNE DELANEY,)	CIVIL NO. C 05-00756 SI
Plaintiff,)	
v.)	STIPULATION AND PROPOSED ORDER
)	AWARDING ATTORNEY'S FEES PURSUANT
MICHAEL J. ASTRUE,)	TO THE EQUAL ACCESS TO JUSTICE ACT
Commissioner of)	(EAJA), 28 U.S.C. § 2412
Social Security,)	
Defendant.)	

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), in the amount of FIVE THOUSAND THREE HUNDRED SEVENTY-NINE dollars and NINETY-ONE cents (\$5,379.91). This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel prior to November 23, 2009, in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees, and does not constitute an admission of liability on the part of Defendant under the

1 EAJA. Payment of FIVE THOUSAND THREE HUNDRED SEVENTY-NINE dollars and
2 NINETY-ONE cents (\$5,379.91) in EAJA attorney fees, by December 31, 2009 or a reasonable
3 time thereafter in consideration of the holiday season and depending on the date of the Court's
4 issuance of the order, shall constitute a release from claims Plaintiff may have relating to EAJA
5 fees in connection with this action.

6 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security
7 Act attorney fees under 42 U.S.C. § 406, subject to the provisions of the EAJA, pursuant to the
8 Court's Order of September 3, 2008. Defendant notes that the fees for administrative
9 representation, pursuant to 42 U.S.C. § 406(a), which have been approved by the Social Security
10 Administration in the amount of \$22,000.00, apparently have been mailed to and issued with the
11 name, on December 1, 2009, of Plaintiff's attorneys at their new address, 459 Fulton Street, Suite
12 109, San Francisco, CA 94102. Defendant further notes that upon the Court's approval of this
13 EAJA stipulation and order, Defendant will expedite the processing of the EAJA fee such that he
14 expects the EAJA payment request will be sent to the Department of the Treasury within two
15 weeks of the Court's order or by December 31, 2009. Otherwise, Plaintiff's attorneys hereby
16 reserve the right to seek further the Court's assistance in order to be paid as stated in the
17 underlying motion, including the requested sanctions and for further work towards receipt of
18 subject funds.

Pursuant to General Order 45, § X.B, and the instructions regarding signatures on this Court's internet web site (<https://ecf.cand.uscourts.gov/cand/faq/general/signatures.htm>), I, the undersigned Leo R. Montenegro, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

DATE: 12/4/09

/s/ Crisostomo G. Ibarra
(as authorized by fax December 4, 2009)

CRISOSTOMO G. IBARRA
Attorney at Law

Attorney for Plaintiff

DATE: 12/4/09

JOSEPH P. RUSSONIELLO
United States Attorney
LUCILLE GONZALES MEIS
Regional Chief Counsel, Region IX

By: /s/ Leo R. Montenegro
LEO R. MONTENEGRO
Special Assistant U.S. Attorney

Attorneys for Defendant

PROPOSED ORDER

APPROVED AND SO ORDERED.

DATED: _____



SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE